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| 10/570,299 | 01/04/2007 | Miguel Sigo | 251066 | 7946 |
| 23460 7590 09/14/2011 LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6731 | | | | |
| EXAMINER RAPILLO, KRISTINE K | | | | |
| ART UNIT 3626 | | PAPER NUMBER | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Chgpatent@leydig.com

Office Action Summary

Application No.

10/570,299

Applicant(s)

SIGO ET AL.

Examiner

KRISTINE RAPILLO

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-10, 12 and 18-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 13-17, 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/9/2007
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment submitted June 30, 2011. Claims 11 and 13 - 17 are amended. Claims 12 and 18 - 26 are cancelled (claims 1 - 10 were previously cancelled). Claims 27 - 30 are new. Claims 11, 13 - 17, and 27 - 30 are presented for examination.

Claim Objections

2. Claims 29 - 30 are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 28. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

3. Applicant is advised that should claim 28 be found allowable, claims 29 - 30 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 112

4. The rejection of claim 1 under 35 USC 112, second paragraph is hereby withdrawn based upon the amendment submitted June 30, 2011.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11 – 14, 16 - 17, and 28 - 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis (U.S. Publication Number 2002/0131572 A1) in view of Ralston et al., herein after Ralston (U.S. Patent Number 6,389,454).

In regard to claim 11 (Currently Amended), Paradis teaches a method for scheduling, via a medical information system, a plurality of exams for a patient, the method comprising the following steps:

(b) inputting into the medical information system the plurality of exams for the patient (paragraphs 16, 17, and 18);

(c) selecting one of the plurality of exams for scheduling (paragraph 16);

(e) displaying by the medical information system a listing of those exams from the plurality of exams for the patient that have a grouping relation (Figure 6 and paragraph 12 where Paradis discloses a display of the tasks listed for a patient);

(f) selecting at least one other exam from the listing to be co-scheduled with the selected exam (paragraphs 16 and 31 where a task may include surgery, physical examination, treatment, etc.);

(g) co-scheduling the exam selected in step (c) and the at least one other exam selected in step (e) for a continuous period of time (paragraphs 16 and 31 where Paradis discloses scheduling related, or grouped, tasks such as surgery with recovery and treatment).

Paradis fails to teach a method comprising: (a) grouping into a grouping relation, by the medical information system, exams available to all patients having at least one resource in common, wherein resource is a location, a therapy, a device or a person; and, (d) determining, by the medical information system, whether there exists a grouping relation between the selected exam and one or more of the plurality of exams for the same patient that were not selected.

Ralston teaches a method comprising: (a) grouping into a grouping relation (column 5, lines 5 – 16), by the medical information system, exams available to all patients having at least one resource in common, wherein resource is a location, a therapy, a device or a person (column 5, lines 27 – 60 where

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Ralston discloses that it is common for certain procedures to be ordered at the same time, thus a grouping relationship);

(d) determining, by the medical information system, whether there exists a grouping relation between the selected exam and one or more of the plurality of exams for the same patient that were not selected (column 4, line 65 through column 5, line 16 where Ralston discloses that due to constraints, some procedures may not be selected at the same time).

It would have been obvious to one of ordinary skill in the art to include in the scheduling system of Paradis the ability to incorporate the scheduling of multiple procedures in a single day or in a sequential order as taught by Ralston since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

In regard to claim 13 (Currently Amended), Paradis and Ralston teach the method according to claim 11. Paradis teaches a method further comprising the step of assigning to the co-scheduled exams to at least one of a preferred date period and a preferred time period (paragraph 19).

In regard to claim 14 (Currently Amended), Paradis and Ralston teach the method according to claim 11. Paradis teaches a method further comprising the step of assigning to the co-scheduled exams to at least one of a start time and a time interval for starting the exam (paragraph 19).

In regard to claim 16 (Currently Amended), Paradis and Ralston teach the method according to claim 11. Paradis teaches a method further comprising the step of generating a confirmation letter for the co-scheduled exams (paragraphs 20, 22, and 31) where a patient electronically confirms acceptance of an appointment.

In regard to claim 17 (Currently Amended), Paradis and Ralston teach the method of claim 16. Paradis teaches a method wherein said confirmation letter comprises information for the co-scheduled

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exams (paragraphs 20, 22, and 31) where a patient electronically confirms acceptance of an appointment.

Method claims 27 - 30 repeat the subject matter of claims 11, 13 - 14, and 16 - 17. As the underlying processes of claims 11, 13 - 14, and 16 - 17 have been shown to be fully disclosed by the teachings of Paradis and Ralston in the above rejections of claims 11, 13 - 14, and 16 - 17; as such, these limitations (27 - 30) are rejected for the same reasons given above for claims 11, 13 - 14, and 16 - 17 and incorporated herein.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis (U.S. Publication Number 2002/0131572 A1) in view of Ralston et al., herein after Ralston (U.S. Patent Number 6,389,454), further in view of Jones (U.S. Publication Number 2003/0014284 A1).

In regard to claim 15 (Currently Amended), Paradis and Ralston teach the method according to claim 11.

Paradis and Ralston fail to teach a method further comprising the step of copying, by the medical information system, information from a selected exam to at least one other selected exam.

Jones teaches a method further comprising the step of copying, by the medical information system, information from a selected exam to at least one other selected exam (paragraph 40).

It would have been obvious to one of ordinary skill in the art to include in the scheduling system of Paradis and the method of the scheduling of multiple procedures in a single day or in a sequential order as taught by Ralston, the ability to incorporate a database of groupings since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Response to Arguments

8. Applicant's arguments filed June 30, 2011 have been fully considered but they are not persuasive. Applicant's arguments will be addressed in the order in which they were received.
9. The Examiner submits that new citations were applied to the amended claims, as such the Applicant's arguments are moot. However, per Applicant's argument that Paradis is applicable to a single "task", the Examiner submits that Paradis discloses a number of nested subtasks can be scheduled with the initial task, thus, the Applicant's argument is not persuasive.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 3:30 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Morgan can be reached on 571-272-6773. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. R./
Examiner, Art Unit 3626

/C. Luke Gilligan/
Primary Examiner, Art Unit 3626